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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE CARDELLO-SMITH,
Plaintiff

Vs

SEAN COMBS,
Defendant,

Case No 24-12647
Honorable Judith Levy

F I L E D
NOV 05 2024
CLERK'S OFFICE
DETROIT

NOTICE OF REMOVAL TO THE
MICHIGAN COURT OF APPEALS AS
THE ORIGINAL COURT OF JURISDICTION

Please be advised that this case has been removed to the Michigan Court of Appeals in Case No 327888 and that this removal is based on the following factors.

1. The Original Appeal was filed on October 3, 2024.
2. The Plaintiff is a prisoner who has the right of the Prison MailBox Rule Allowing for the Document and Papers to be considered Filed on the date they are submitted to Prison Officials.
3. The Date it was submitted to Prison officials was October 3, 2024, as proven by the Certified Mail Receipt and the Case being listed in the State Court of Appeals, as that it was delivered and given to prison officials for mailing On October 3, 2024 and therefore, the Case is Required to be in the Courtroom of the Michigan Court of Appeals.
4. the Defendants did not Move for Their Notice of Removal Until October 7, 2024 and October 8, 2024, clearly 5 days too late and as such, they are illegally assigned to the Federal Court.
5. The Exhibits attached show that this case was in the Michigan Court of Appeals and is Considered Filed by MDOC Officials and Court Case laws of the United States Court of Appeals for the Sixth Circuit which this District Court is bound by recognizing that documents are considered filed when they are given to Prison Officials, as has been done in this case at bar.

Therefore, the Clerks Office is Bound by the Requirements of Transferring this Case to the Michigan Court of Appeals.

Thank you.


Derrick Lee Cardello-Smith

#267009

E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

October 17, 2024.

Prisoners write clearly-illegible/incomplete forms will not be processed.

Date: 10-3-24

Prisoner Number: 267009 Prisoner's Last Name: SMITH Institution: LRF Lock Number: C-60B

Pay To: <u>U.S. Postal Service</u>	Cost/Amount
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Address: _____

Reason/Description: (If to relative, identify relationship) Certified Fee

Case 24-7362-JU

COMPLETE THIS PORTION FOR CATALOG ORDERS ONLY			
Unit	Catalog		

[illegible]

Sub-Total \$

Delivery Costs _____ \$ _____

Tax (if-applicable) \$ 110

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

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OFFICIAL USE

De 8

Wa

Postage	\$ 259
Certified Fee	485
Return Receipt Fee (Endorsement Required)	410
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 1154

Postmark
Here 03 2024

Prisoner's Signature

Date _____

R.U.M. or Authorized Agent

Date _____

Code

Actual Expense

Batch Number

Distribution: White-Business Office; Canary-Vendor; Pink-Property;

Sent To

Street, Apt. No., or PO Box No. 3020 W. Grand Blvd - Suite 14-300

City, State, ZIP+4 Nottingham NT 48702-6020



Jerome W. Zimmer Jr.
Chief Clerk

Michigan Court of Appeals
Office of the Clerk
Lansing Office

October 17, 2024

CARDELLO-SMITH DERRICK LEE #267009
EC BROOKS CORRECTIONAL FAC
2500 S SHERIDAN DRIVE
MUSKEGON, MI 49444

Re: **DERRICK LEE CARDELLO-SMITH V SEAN COMBS**
Court of Appeals No. 372888
Lower Court No. 24-007362-NO

Dear Sir or Madam:

This office has received your filing in the above matter. Within 21 days of the date of this letter, please forward the following items, which I am requesting either because they are required by the court rules or because they will help verify this Court's jurisdiction of the case.

- the entry fee of \$375 or a motion to waive fees
- a copy of the judgment or order appealed from under MCR 7.204(C)(1) or MCR 7.205(B)(2)
- a copy of the register of actions (lower court docket entries), MCR 7.204(C)(5) & 205(B)(2)
- a copy of your prisoner account statement for the last 12 months
- proof of service on opposing counsel

Unless the above is filed within 21 days of the date of this letter, your case may be dismissed for failure to pursue the case in conformity with the rules or for lack of jurisdiction. See MCR 7.203(F); MCR 7.216(A)(10). This is the only notice that will be sent to you. If you have any questions concerning this matter, please call this office.

Sincerely,
Office of the Clerk

/MWOLCOTT
CC: DAVID H FINK

DETROIT OFFICE
CADILLAC PLACE
3020 W. GRAND BLVD. SUITE 14-300
DETROIT, MICHIGAN 48202-6020
(313) 972-5678

TROY OFFICE
COLUMBIA CENTER
201 W. BIG BEAVER RD. SUITE 800
TROY, MICHIGAN 48064-4127
(248) 524-8700

GRAND RAPIDS OFFICE
STATE OF MICHIGAN OFFICE BUILDING
350 OTTAWA, N.W.
GRAND RAPIDS, MICHIGAN 49503-2349
(616) 456-1167

LANSING OFFICE
925 W. OTTAWA ST.
P.O. BOX 30022
LANSING, MICHIGAN 48909-7522
(517) 373-0786

Mr. Derrick Lee Cardello-Smith
#267009
E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Muskegon, MI 49444

October 30, 2024

Office of the Clerk
US District Court-Eastern
231 W. Lafayette Blvd
Detroit, MI 48226

Re: Derrick Lee Cardello-Smith vs Sean Combs.
Case no 24-112647

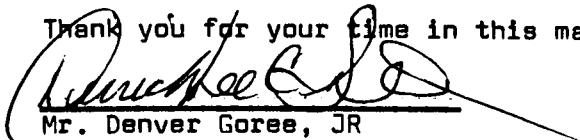
Dear Clerk:

I am hereby providing this Court with Notice that this Case has been Removed to the Michigan Court of Appeals as the Court of Original Jurisdiction based on the Fact that the Original Appeal was filed and timely filed in the Michigan Court of Appeals on October 3, 2024 and under the MailBox Rule.

AS such, this clerks office did not have Jurisdiction to File it in this Court to Consider the Defendants Notice of Removal and the matter should be sent to the Michigan Court of Appeals as the Correct Court of Jurisdiction.

Please process this Removal and Assignment of the Entire Court Record to the Court of Appeals.

Thank you for your time in this matter.


Mr. Denver Goree, JR

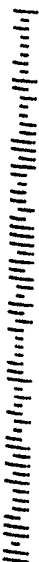
NAME: Mr. Derrick Lee Cardello-Smith
Number: 4267009
Address: E.G. Brooks Correctional Facility
Address: 2500 S. Sheridan Drive
Address: Muskegon, MI 49444

Mailed on 10-28-24
Case No 24-12647

GRAND RAPIDS MI 493
1 NOV 2024 PM 2 L

Office of the Clerk
Theodore Levin US Courthouse
231 W. Lafayette Blvd
Detroit, MI 48226

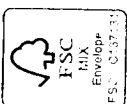
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